# COUNSEL MUST HANG TOO.

A Story of Pioneer Life.

The settlement of Tip Top is perhaps the only survival of the primitive mining camp existing in California to-day. Situated high up in a spur of the Sierras, the precipitous slopes that surround it on every side, as well as its distance from any other settlement of importance, together with certain almost insuperable natural difficulties, have discouraged the building of so much as a wagon road to connect it with the outside world. Its houses are for the most part built from timbers rough hewn from the pines that crest the summits above, with a single business block and two-storied mansion constructed from the products of a brickyard that was once established in a righteous impulse toward progression, but which went out of business for want of patronage, after burning its first kiln. The soil of the elevated valley in which it lies is a rich alluvial loam, and all manner of deciduous fruits and berries, as well as green things and root crops for the table, flourish in its gardens during the brief summer season, while the hills yield a rich pasturage during the open months, and cut a little hay to tide the cattle over the winter. The demand for provender is slight, for Tip Top is not in a stock region.

Tip Top is not only a mining camp, but all of its inhabitants are directly or indirectly dependent upon the productive Tip Top mine, a galena ledge worked by a series of tunnels and cross drifts into the mountain side, a mine in which there has never been a rich strike, and whose stock has never been put on the market. Tip Top was at the time of its discovery incorporated by a company of miners, and has for thirty years yielded a steady output of good, low-grade ore, and bids fair to continue its prosperous career to the close of another century. The ore carries enough lead to smelt it, and it is treated on the spot in rude reduction works; while the bullion is conveyed over the mountains by means of pack trains, which, returning, bring the necessary supplies.

Tip Top, as regards its interdependent relations, has an uncommon unity of interest. Such of its inhabitants as are not actually employed in the mine or the reduction works cook, wash, sew, or mend, for the men who are, sell supplies to their families or fatten upon them in other ways which it is not necessary to specify. What little banking business is done is transacted in the superintendent's office; real estate never changes hands; there is a district school; the arrival of its presiding divinity, who is always in petticoats (and who is regularly changed by the State Board of Education each year for some occult reason) is the annual sensation of the settlement; and there is a doctor who busies himself in assaying ores, save on the rare occasions when some man in the works tries rash experiments with the mathe rare occasions when some man in the works tries rash experiments with the machinery. Two of Tip Top's citizens are dimly understood to have undergone that mysterious process known as being admitted to the bar, but seeing no opportunity for the exercise of their special prerogatives, they have busied themselves in the more useful vocations of blacksmithing and butchering

butchering.

Up to a date far advanced in the eighties the few disputes and flagrant violations of the proprieties of life that agitated the camp were disposed of without the aid of counsel or jury by old Judge Penniman, whose court had, by various legislative enactments, been declared a justice's, a district and a superior court, but whose administration had never known any material change with growth of dignity or change of code. And if the old judge's decrees sometimes savored of the arbitrary change of code. And if the old judge's decrees sometimes savored of the arbitrary methods of pioneer justice, they were invariably satisfactory to the community and to himself, and met with no interference from the superior powers, which were dimly recognized as existing far down in the hot central valley. Thus Tip Top went on, calmly and tranquilly, until civilization, with one gigantic stride, laid hold upon the camp and encircled it with its octupus-like rays.

Mr. Jonas Barnaby, as he rode down the steep trail leading to Tip Top late on one October afternoon, did not appear like an agent of civilization, nor, it should be said in justice to him, did he recognize himself as such. He was tired of body and weary of soul, this joint exhaustion being due to the fact that the donkey he bestrode had developed a sullen determination to carry the fact that the donkey he bestrode had developed a sullen determination to carry po load up grade, a resolution of so firm and unyielding a quality that Mr. Barnaby himself had been obliged to dismount innumerable times during the course of his tedious journey, and not only to convey his pwn weary frame up the rugged ascent, but, by dint of diligent whacks and apostrophies even more eloquent, to induce the canny beast to precede him. He was in the midst of one of these apostrophies when he saw the smoke of Tip Top curling through the trees.

"Get along, you stupid, driveling imbe-eile," shouted Mr. Barnaby, incorporating into his speech a string of other and more vigorous adjectives which it is not neces-sary to put in print here. "Oh, if ever I get through this God-forsaken wilderness I'll flay you alive, but I'll get even with you for this day."

It was at this moment that donkey and driver reached the top of the ridge, and the smoke of Tip Top, curling upward through the trees, greeted them with a pleasant suggestion of rest and sustenance. To Mr. Barnaby the sight came with the force of a great surprise. He was a shrewd, keen-eyed man of the valley, who for a consideration had undertaken to make known to the voters of this distant mountain settlement the virtues and excellences of a certain legislative candidate who desired certain legislative candidate who desired the juror, upon grounds set down in Secformed a minor part. As before intimated, little was known of Tip Top outside of its own borders. Mr. Barnaby had almost expected to find a set of barbarians, living in dug-outs or tepees, and he was at once impressed by the look of general prosperity that invested the small village. This impression was but heightened by the warmth of his reception and a closer

acquaintance with the people. He was received with the cordiality invariably accorded a stranger, be he a member of either or no party, who has the courage to penetrate these mountain fastnesses. He was amazed at the output of the mine and the prevailing comfort of the inhabitants. He throwdly suspected that in many a humble home there were stockings filled to overflowing with secret hoards. Most of all, he was surprised at the peace and harmony that prevailed and the seeming absence of litigation and strife.

"Don't you fellows ever go to law?" he asked of his host, genial Tom Watkins, of the sign of the Grizzly, who had for as many years as Tip Top numbered held unlisputed possession of the hotel custom of the camp, boarding such of the upper hands as were single, together with the doctor and butcher, and invariably entertaining the occasional tourists and summer guests. "Now what would we want to be doing that for?" drawled Watkins, argumentatively, for he was a typical Yankee, and loved a chance at friendly strife of "We ain't got no land titles to dispute about, for the government's never surveyed these high mountain lands, and whenever the surveyors come this way, squatters have the fust right to make entry. The mine's owned by good square men who make their own divvy and pay all hands down on the nail. If a man took a notion not to pay for his grub or clothes he'd have to go hungry or naked, for there's no rival establishments to give him

"So you are such a strictly law-abiding community, possessed of such angelic dispositions, that nobody ever raises his hand igainst his neighbor or runs amuck of the law." sneered the lawyer.

Watkins eyed him sharply. There was something in his tone and air that he did not understand. "O, now and then some fellow, when pay day comes around, gets hold of a little too much fire water, and Judge Penniman claps him in the calaboose. Years ago, when the mine was first worked, a man or so was killed, and a horse stole, and once in a while of late years some wild fellow has had his gun too handy; but we catch the scamp that does it every time, and the Judge he puts them through the paces so quick that they never know what ails them when they are strung up on the old cottonwood down there. That tree's done good service," he added, meditatively, nodding toward a sturdy old tree on the bank of the mountain stream that flowed across the road but a few rods away, and which stretched out one stout horizontal bough in a very suggestive manner. "You don't mean to say that you always convict your criminals," exclaimed Barn-

aby in unfeigned astonishment. 'You bet we do. Every time," was Watkins's laconic response. "And what becomes of the property of the man you hang?" asked Barnaby eager-"O, if he has a wife or family, or if there's an old mother back East, it goes to them. If there are no apparent heirs it goes to the State, accordin' to law," returned Watkins, gravely. The lawyer's eyes glittered. If he had

he would have scored for himself. Now Fate, who seems to be a very capricious and untrustworthy personage, sometimes plays directly into the hands of the unprincipled and unscrupulous. In this case she so decreed that the night before the intended departure of this stump ora-tor, a crime, the first that had disturbed its peaceful tenor for months, was commit-ted at Tip Top. At dead of night the desk in the superintendent's office was rifled. The deed was clumsily done—so clumsily that a man sleeping in an adjoining room was aroused and grappled with the robber, who contrived to stab him in the side with a knife and make good his escape with his booty. Suspicion was at once directed upon one "Dutch Jake" who had been drinking heavily of late, and whose whereabouts on the night of the robbery could not be ac-

Barnaby resolved to stay and watch the outcome of the affair. Every man, woman and child in the settlement became a self-constituted detective. Within three days Jake had passed a marked coin over the bar in Sampson's saloon, and in a drunken fit of confidence had boasted of the treasure he had stored away in some hidden spot in a neighboring gulch. The Dutchman was promptly arrested and charged with murder. The man he had stabbed was in a fair way to recover, but the attempt was equivalent to the deed in this primitive community, and the people braced them-selves for the execution of the sentence the old Judge would be sure to pass without delay.

The prisoner, sobered by his approaching doom, was meditating in the log stockade which constituted the calaboose of the settlement, his jailer keeping guard outside, when Barnaby walked briskly up the path and demanded admission.

"What in thunder!" was the man's amazed challenge.

"The right of counsel. I am the prisoner's counsel, engaged to defend him against the charge now pending-ask him for yourself. Every man under accusation has the right to counsel for his defense," said the lawyer blandly, raising his voice so that the pris-

oner might hear.

Jake heard, and dimly realizing that a friend waited outside, eagerly indorsed this statement. The jailer, awed by the law-yer's attitude and claim, granted him admission, and the two were soon closeted together; but this extraordinary action on the part of the stranger, and the compli-cations which it foreshadowed, aroused wide and vigorous comment throughout Tip

"It's the fust time anybody has needed counsel in Tip Top," growled Tom Watkins. "The good will of the community and the word of honest men and a prisoner's own testimony and the say so of a judge that's straight as a string has been counsel enough. We've had to string up a man now and then, but they took their medicine without a kick, and there isn't one of 'em would deny, if he was standing here this moment, we didn't give him a fair moment, we didn't give him a fair

"You bet!" was the universal comment "You bet!" was the universal comment that ran around the room.

"And as for the judge," continued Wat-kins—who was by general assent recognized as the speaker of the settlement in times of public emergency—"every man here knows what sort of a clear-headed, kind-hearted, truth-loving old man he is. He would'nt condemn a man if there was a shadow of a doubt of his guilt. And if he would, by Jiminy! we'd string him up our-selves, and he knows it."

would, by Jiminy! we'd string him up ourselves, and he knows it."

At this there was another burst of applause and approval.

"I've distrusted that Barnaby fellow ever since I first laid eyes on him," said the doctor, gravely. "He's a slippery rogue, or I know nothing of human nature."

There was a considerable concourse of citizens in the court room the next morning. The Judge himself was ill at ease. Barnaby was easy, and dapper, and self-possessed, the prisoner timidiy confident, stealing uneasy glances at the man who had constituted himself his protector. Barnaby's first act was to ask for a stay of proceedings, blandly explaining that as he had come to Tip Top on wholly different business, and his engagement in the case was unexpected, he would need to send below for his law books and certain necessary authorities, and he so glibly quoted the chause which entitled him to ask this privilege that the blood in the old Judge's veins ran chill, and he could do no less than grant the request.

Barnaby himself went down the mountains the following day, and brought back with him, as the community afterward asserted with one voice, "a huil pack train of sheepskin books, and paper and ink and printed documents without end."

When the case was again called he shocked the court by demanding a jury trial for his client.

"Do you mean to intimate, sir, said the old Judge, trembling with indignation.

"Do you mean to intimate, sir, said the old Judge, trembling with indignation, "that you deem me-me!-unable or unworthy to try this case?"
"By no means, your Honor," was the counsel's sleek response. "But I must call your attention to Section 7 of Article 1, of the attention to Section 7 of Article 1, of the Constitution of the State of California, which accords to every citizen, held on whatever charge, the right to be tried by a jury of his fellow-men."

Judge Penniman flushed, but he slowly lifted from his desk a small leather-bound volume. There, on the title page, stared back at him the well-known clause which he had so willfully disregarded for years. "Counsel's right is granted," he said,

shortly.

Tip Top was thereupon stirred by the hitherto unknown experience of the impaneling of a jury. The Judge issued a venire calling for twelve men, taking care to name those whose standing in the settlement was above challenge. To his surprise and the indignation of these worthy catizens, Mr. Barnaby insisted upon putting to each of these gentlemen questions reto each of these gentlemen questions re-lating to their knowledge of the case and the opinions that they might have formed concerning it. The doctor, a man of stately presence, was the first to undergo this

"I wish to ask you, sir, if you have ever discussed this case?" said Barnaby. "Of course, I have. You know very well, Mr. Barnaby, that the affair has been discussed throughout the settlement. There is scarce a man, woman or child with whom it hasn't been the leading topic the last three weeks or who doesn't recognize the

prisoner's guilt."
"That will do. Your Honor, I challenge The Judge fumbled with the leaves of the code, adjusting his spectacles, until he found the cause designated. The doctor left the stand in a fine rage,

So did Tom Watkins; so did the superintendent of the Tip Top, and the general storekeeper, the foreman of the mine, the engineer of the works, and all the remainder of the twelve honest men the old man had innocently summoned to pass upon the case. Another venire was issued, and still another. After several days of anxious searching on the part of the Judge, and of artful manipulation on the part of the strange attorney, twelve men were found who were willing to swear that they had heard nothing of the case, and had neither discussed it nor formed an opinion as to the guilt of the prisoner. The men who composed this remarkable jury were chiefly Swedes and Italians, who understood English imperfectly.

The result might have been predicted. Dutch Jake swore that he had long carried the marked coin for a pocket-piece, and there was no man to gainsay him. Two low cronies of his own were brought forward to prove an alibi. In his closing address for the defense the counsel artfully appealed to the jury, reminding them that any day a similar false charge might be laid at their own door, and they, too, be needing the faith and sympathy of their fellow-men-a suggestion that found response in the tender hearts of the Swedes and the lawless proclivities of the Italians. who joined in acquitting the prisoner without leaving their seats.

While Jonas Barnaby still lingered about Tip Top, apparently undecided as to whether he would best make his way to fresh fields or await events there, a series of exciting occurrences disturbed the peace of the community. A pack train was held up and robbed of bullion on the other side of the divide. The bartender at Sampson's saloon robbed the till, and ran away with his employer's wife, the buxom mother of seven children. A mill hand was sandbagged on his way home one winter night and his month's pay abtracted from his pocket. In each of these cases, and many others of equal gravity, the offenders were promptly arrested, and there was a moral certainty of their guilt, but the plunder had invariably and mysteriously peared, except in the case of Sampson's wife, who returned to her liege lord in tears and contrition. Of the miscarriage of justice in all these cases let the inhab-

They were assembled in Tom Watkins's one evening, when conversation turned upon these events. "Tip Top is traveling straight down the road as leads to eternal perdition," solemnly announced the cobbler, the unordained preacher of the settlement, who "came out strong" on the rare occasions when it was necessary to christen a child, or to pronounce the last sad rites over a fellow-man. "She's on the road to spiritooal ruin. Sin and crime are multiplyin' every day within her borders." "It is a fact," said the doctor, thoughtfully, "that even in her infancy, and when

itants tell.

no settled order of things could have been expected, there didn't begin to be the outrageous breaches of the peace and violation of law that we have seen this last few months. "It's all owing to that fellow Barnaby, exclaimed Tom Watkins, with vigor. "He comes crowding in here, with his law books and newfangled notions, and sets up a partnership with every rascal in the camp. The fact that he's here, ready and anxious

# WORLD'S FAI

101, 103, 105, 107, 109, 111, 113 West Washington St.

# Largest Store in the State

PARLOR SUITES.

50 samples on the floor to select from. All new and latest designs, upholstered in fine Damask, Tapestry, Silk Plush and Brocatelle. Come and see them. We have the largest stock of odd pieces of Parlor Furniture in the State-Divans, Tete-a-Tetes, Corner Chairs, Conversation Chairs, Reception Chairs-all at special low prices.

# BEDROOM SUITES.

200 samples to select from. See our \$18, \$25 and \$35 Suitesbest quality of workmanship and fine polish finish.

# FOLDING BEDS.

75 samples to select from. See

# COUCHES AND LOUNGES.

40 samples to choose from. We have them in Plush, Moquette, Tapestry and Wilton Rug. Come and see for yourselves.

# SIDEBOARDS.

100 samples to select from. Superior in quality and finish. Don't fail to see them.

# EXTENSION TABLES.

50 samples to choose from. Fine quartered Oak 8-foot Extension Tables for the price you have been asked for an ordinary one. Come fringe. A rare bargain. and see them.

# ROCKERS.

200 samples to select from. All styles and prices. New and beautiful goods. Don't miss this bargain. In best designs and qualities.

make a clean breast of the whole affair,

and skip the State if we'd spare his neck.
And along comes Barnaby, with his badgering of honest men and his darned alibis,
and the man got off scot free, and not
an eye does anybody who had a right to

an eye does anybody who had a right to them lay on them bars again. As for that bartender at Sampson's, we'd have given him a nice coat of tar and feathers and rode him out of the settlement on a rail if Barnaby hadn't proved it was a bailable offense, got the fellow out on bonds, and helped him to skip the country; and after all, the bonds wasn't worth the paper they was writ on. Boys, we've had enough and to spare of this criminal lawyer business.

The man's getting rich out of the felons he's rearing here. The next time that this fellow Barnaby tries to run our bar of justice we'll give him a lesson that he

The advent of old Judge Penniman at

this juncture for an instant dampened the

ardor of the company, but after a mo-

ment's hesitation he was made acquainted with the subject under discussion, and en-tered heartily into the plan laid before

unfolding beneath their very eyes. Tip

awaken any morning to news of fresh out-

rage and lawlessness, but one day in March

it received a shock which penetrated the

sensibilities of her most callous inhabi-

tant. Next to the judge the doctor was

the most popular member of the communi-

ty-a man of genial parts, with a bright

smile and ready wit, always greeting his

neighbors with cheery words and an in-

fectious smile. Therefore, one who passed

at daybreak the snug little cabin where he

dwelt in cozy bachelorhood, mixed his

drugs and tested the ores submitted to

him by ambitious prospectors, was startled

to find the door ajar, no smoke issuing

from the broad chimney, and a prevailing

air of desolation. When it transpired that

no one had fallen ill in the settlement to

necessitate a sudden call to a sick bed at

this early hour, and that the good man

had not been seen since some one encoun-

tered him at Tom Watkins's the night be-

fore, people became genuinely alarmed. A

search was organized and resulted in a

series of startling discoveries. There were

tokens of a struggle in the cabin. A heavy

body had been dragged through the door.

and the light snow that had fallen at mid-

night had not served to wholly efface its

track, which led to a hidden glen on the

hillside, where a smoke arose from the

remnants of a fire. A careful raking of

charred bones, and a remnant of woolen

cloth, which was quickly recognized as a

Who had been such an abandoned villain

Every man looked at his neighbor with

hideous suspicion. One there was who in-

stantly remembered that he had beheld

Tom Watkins at early sunrise industriously

washing his hands of some red stain out-

side his door. A party of grim, deter-

mined men marched to Watkins's inn, and

harshly demanded the surrender of the

host. Tom, who appeared to be in a state

of maudlin inebriety, gave himself into

custody without resistance, even weakly

murmuring a confession of his guilt, cry-

"I did it. Yes, I did it. I took his life with my own hands."

On the way to the calaboose some black

circumstances were recalled. No one had

seen the doctor since he lingered talking

with Tom the previous night. They had

apparently been on friendly terms, but it

was well known that Tom bore the doctor

a grudge for a mustard plaster that the latter had clapped on his stomach during

an attack of billous colic ten years before.

The blister had been worse than the dis-

ease, and Tom's rancor had never abated;

he had been notoriously touchy on the sub-

ject, and while maintaining an armed neu-

trality with his termenter, had sworn to

A man's opinion regarding the dispensa-

tion of law materially depends upon the

point of view from which he regards it.

Tom Watkins, the felon, moving swiftly

along the road to conviction and sentence,

halled the appearance of Barnaby as a

Barnaby's turn to frown and to extend

a cold greeting to the man who had open-

"Well, Watkins," he remarked, "you are

"I know, I know," said poor Tom, shiver-

"But you'll save me, Mr. Barnaby; there's

ing at the recollection of the cottonwood

tree's stout arm so invitingly extended.

get even with the doctor some day.

ly denounced him.

in a bad fix."

ing out:

portion of the Doctor's new tweed suit.

as to commit this dastardly crime?

the ashes resulted in uncovering some

won't soon forget."

# CARPETS.

A great feast of bargains is awaiting you in our Carpet Department. We have an elegant assortment of Extra Brussels effects. Beautiful designs in Ingrains, Brussels, finished with satin flounces. Tapestries and Axminsters. Come and see what we can save you on a Carpet.

# MATTINGS.

See our splendid assortment of Mattings of all grades. 75 styles to select from.

# RUGS—Special Rug Sale.

We have put on sale another lot our Combination Folding Bed- of those nice Moquette Rugs at \$1 shown in this city. To-morrow we are lightest and easiest working Folding per piece. These are the last we going to offer them at special low prices will be able to obtain at that price. They are yours while they last. We See our two-burner Gasoline Stove. also have a nice 50c Rug, just the size for doors, in front of dressers, etc. A fine, large size Wilton Rug for \$2, worth \$4. - See our Smyrna, Brussels, Velvet and Moquette Rugs at all prices.

# - LACE CURTAINS.

\$1.50 for a \$3 Lace Curtain. If you are not satisfied that it is worth \$3 return it and we will refund your money.

# CHENILLE PORTIERES.

50 styles to select from-all colors, with handsome dado and heavy CURTAIN POLES

# In endless variety.

Linoleums and Oil Cloths

doing. Mark the result. Tip Top hasn't seen a single square deal of justice since he came poking his nose into our affairs.

## owlish solemnity. "I don't know about it. It's a bad case, a bad case. Of course you took the gentleman's life, to put it mildly." "I did," replied Tom. "Murdered him in cold blood. And then went and owned up like a consummate There's that case where the nigger was caught who robbed the pack train. A nice, clean case we had—plenty of good, reliable witnesses, and the darky ready to monkey when you were arrested."

"The—the deed was so fresh," pleaded Tom, in extenuation. "If you've ever killed any one yourself, Mr. Barnaby, you'd have some notion of how the idea of it preys on your mind at first." "Me. Kill any one," angrily repeated Barnaby, rising and preparing to take his departure, in offended innocence.

Watkins laid hold of his coat tails. "Don't, don't go. Can't you see that you're my only hope? Would you let a fellow mortal swing from the cottonwood down there, and feel that his blood was on your hands? Mr. Barnaby, I've got

"Ah," said Mr. Barnaby, softly, returning a step and looking kindly at the prisoner. "How much, may I ask?" "Five thousand dollars in coin, buried —but I'll only tell you the place after you get me off," whispered Tom with a cunning look.

"And how much will you give me for my fee?" presevered the lawyer, rubbing his itching palms together as he listened to this announcement. "Half of it—three-fourths of it? What is money worth to a It often happens that men are singularly man, Mr. Watkins, in comparison with his blind in regard to future events, which are life?" Tom's hand instinctively clutched at his Top camp was by this time prepared to

"The whole of it," he said desperately. For an hour the prisoner and his counsel sat in close consultation, and when Mr. Barnaby withdrew there might have been seen on his face the look of smirking selfsatisfaction that always dwelt there when he had outlined a cunning and impregnable defense.

The murder of the doctor was a case of peculiar atrocity and excited intense feeling in the camp. On the day set for the trial the court room was crowded to overflowing, and spectators thronged the outside steps and peered through the windows. Tom Watkins had hitherto been a general favorite in the settlement, but his behavior throughout the course of the trial was such as to create a feeling of repulsion in all right-minded people. He listened with an appearance of hilarious amusement to the reading of the charge, and made a jesting remark to his attorney when he arose to enter his plea of "Not guilty." During the impaneling of the jury he sat with averted eyes. This jury was a surprise to the distin-

guished Mr. Barnaby. Instead of the usual venire of the most ignorant and worthless of the community, the men summoned on this occasion again represented the flower of the settlement. All were acquainted with the doctor and Watkins, and the circumstances under which the latter had been arrested; yet each stolidly swore that he knew nothing of the crime; that he had neither discussed it nor formed an opinion concerning it, and felt no prejudice against the prisoner. This remarkable unanimity of sentiment was a suspicious fact, and savored of some secret conspiracv to defeat the machinations of the law, and to railroad the prisoner to justice; but Barnaby soon exhausted his right to peremptory challenge, and helplessly watched the jury box fill with men whom he had every reason to believe were hostile to his

A stronger case aginst a criminal was never made out in the court of Tip Top settlement, up to the time that the counse for the defense began his cross-examination. The chain of evidence was complete to the last link. The doctor and Watkins had been seen going to the latter's cabin at midnight, and a couple of hours later Mrs. O'Leary, who kept the boarding house opposite, rising in the night to get her toothache drops, had heard the sound of a scuffle across the road, and looking out beheld the ilight suddenly extinguished in the doctor's cabin. A miner, returning to his lodgings at Watkins's from a late game of poker, had met his host hurriedly returning from along a path that led straight to the glen where the fire and charred remains had been found. A dozen reliable witnesses testified to the confession made by the wretched man at the time of his ar-

Mr. Barnaby pursued the brilliant and original tactics which had won him renown in other desperate cases which he had so successfully defended. He did not make the mistake of attacking or attemptdrowning man ciutches at a straw. It was ing to break the stout chain of evidence produced by the prosecution, but he addressed himself to the destruction of the character of the witnesses. This he undertook with much wisdom and dramatic skill. preferring no direct charges against them and introducing no direct testimony, but getting his line of argument before the jury by a series of adroit insinuations and significant questions. With much circumonly had the luck to come to Tip Top when to help them out of any scrape they get a good fellow."

some serious breach of the law had been into, is an aid and encouragement to ill "H'm." Barnaby's face assumed an whether or not she had once caused the

# BABY CARRIAGES.

150 samples to select from. Our buyer in this department has displayed gold, magenta, old rose, golden brown and ecru. Parasols, lace trimmed, or

# REFRIGERATORS.

100 samples to select from. All charcoal filled, zinc lined Refrigerator -the best that is made. All sizes and them, and quickly, toc. prices. Don't fail to see these before placing your order.

# GAS and GASOLINE STOVES

65 samples to select from. We have the largest, best, and most complete line of Gas and Gasoline Stoves ever They must sell. Ask to see our Gas Range. Just the thing for natural gas.

TINWARE.
Wash Boilers, copper bottom 75c
Dinner Buckets 25c
Granite Tea Kettle
Skillets 1212c
Hatchets 25c
Wash Tubs 60c
Set Knives and Forks 50c
Dinner Baskets 10c
Clothes Baskets
Step Ladders 50c
We carry a full line of Household
Notions.
LAMPS.

Hanging Lamps from \$3 to \$10. Stand Lamps, nicely decorated, at decorations. \$1 up to \$5.

## Onyx Lamps, with silk shades, at \$6 up to \$25. WALL PAPER.

See our Wall Paper from 5c per roll Ingrains, 30 inches wide, 10c per roll. Special sa'e on Ingrains.

we offer at 2c per foot.

# QUEENSWARE

We bought John Shingler's his usual exquisite taste in selecting stock of Queensware on these goods. We have all grades, from Massachusetts avenue, at a low and bamboo. Upholstered in all great sacrifice, and will sell Supers, fine new patterns, shades of blue, green, cardinal, old it at half the real value. Here you will find Dinner Sets, Toilet Sets, Glassware, Jardinieres, Fruit Dishes, Butter Dishes, Pitchers, Gobprices. We are sole agents for the lets, Tumblers, Berry Dishes, POLAR REFRIGERATOR, a hard wood, all at prices that must sell

# DINNER SETS

ı				
1	Sets at	87.	worth	\$12
l	Sets at			
1	Sets at			
	Sets at	12.	worth	\$18
	Sets at	\$15.	worth	\$20
	Sets at	<b>520</b> ,	worth	\$25

MORE		*****	40.0	110.	CAR	*** 4	
Sets	at	\$	10,	wort	th	\$	15
Sets	at	\$	12.	work	ih	\$	18
					h		
Sets	at	\$	20,	work	th	\$	25
	1	MOIL	ET	SE'	rs		
							D. T. LO

Sets at	\$3.00.	worth \$
Sets at	84.50,	worth \$1
Sets at	86.00,	worth \$
Sets at	\$9.00,	worth \$1:
Sets at	12.00,	worth \$1
FANCY D	ECORA'	TED WARF

7-inch Plates, decorated.....Sc Water Sets \$1, worth ......\$2 Cuspidors, decorated......10c Decorated Teapots, Sugar Bowls, Butter Dishes, Cups and Saucers, and a line of Decorated Vegetable

Decorated Pitchers, 100 different

CLOCKS. Clocks at \$3, worth..... \$4 Clocks at \$5, worth..... \$7 Clocks at \$10, worth ..... \$14

HAMMOCKS.

Largest line of Hammocks ever brought to the city. A special bargain. See the Molding 50c, 75c, \$1, \$1.50, \$2 and up to \$5.

ing toothache drops in mistake for sooth-ing syrup; and he aroused her Hibernian wrath by gently suggesting that the noise she fancied she had overheard on the fatal night was merely the echo of a savage scrimmage she had had with Mr. O'Leary, scrimmage she had had with Mr. O'Leary, who had also returned at a late hour from the poker game before alluded to. When the superintendent of the mine, who was something of a chemist, testified that he had analyzed certain rusty stains on Watkins's garments and hands at the time of his arrest, and had determined them to be blood, Barnaby mildly asked the witness whether it was true that his father had died upon the gallows on a certain date in a certain year, and was unruffled by that gentleman's indignant denial, merely demanding of the court that such additional information as the superintendent tional information as the superintendent

tional information as the superintendent attempted to give regarding the high standing and official position of his aged parent, in his native town, be stricken from the records as incompetent, irrelevant and immaterial. He persisted in questioning the belated poker player, who testified to meeting Watkins coming down the path from the gien concerning minute. the path from the glen, concerning minute details of his life in San Quentin, notwithstanding the latter's earnest denials that he had ever been within the gates of that institution. He badgered the men who had discovered the fire and gathered the charred remains, until to an unprejudiced observer there would have seemed a moral certainty that they had all united in a co-

and to throw the crime upon poor Wat-

The method of the defense was soon

to muruer the

made clear. Before the witnesses for the prosecution had left the stand, half a dozen men had been cozened into owning that they had at various times perceived certain peculiarities in Tom Watkins's behavior that pointed to mental aberration. The Chinese cook at the sign of the Grizzly was summoned and in pigeon-English testified that the blood Watkins had on his hands the morning of his arrest was the blood of his pet turkey, which he had reluctantly executed on account of the fowl's habit of roosting in the attick, and awakening his guests by its unearthly habit of tumbling off its roost and gobbling at midnight. This intelligent witness also testified that he considered Tom "heap clazy." Half a dozen men from the mine, several of whom had appeared in previous cases where Barnaby had figured, added corroborative testimony. . Watkins himself was summoned to the stand, told the story of the turkey, shidding a few weak tears, and male various and conflicting statements in regard to his whereabouts on the night of the murder, laughing foolishly when his attention was called to his contradicti ns, and joyfu ly acquiescing when Barnaby pleaded with him to try and recall weether his father and mother had not both become members of an insane asylum. The lawyer with i up his efforts with a brillint s, each, in which he invoked the sympathy of the community for his client, suddenly stricke with hopeless mental disease in the zerith of a useful manhood, and denounce i the dastardly attempt to sentence him to the gallows for a crime for which he could

The judge's charge to the jury was brief He merely reminded them of their duty as good and responsible citizens, to uphold the law and protect the interests of the community. The learned counsel listened with affable condescersion. He had already made his charge to that bidy, and he had confidence in his powers as an The jury was out but a short time. The criminal lawyer settled complaceally back into his chair as they filed in the victory had been easier and more complete than

"Mr. Foreman, you have agreed up:n

verdict?" asked the judge.
"We have, your Honor," returned the

foreman.

not be held responsible, and which it had

not been proved that he had committed.

"We will hear it, sir," said the court. The foreman unfolded a small paper. There was a solemn husb, and he read:
"We find the defendant and his course! guilty of murder in the first degree." Mr. Barnaby turned pale. He struggled to his feet. "I-I protest, your H nor! Such a verdict is outrageous, infamcus unneard of. I denounce it. The man my client killei was almost a stranger to me. I never ex-

changed more than a dozen words with him

in my life."
"Mr. Foreman," said the judge calmly "upon what grounds do you bring this verdict against defendant's counsel?" "Particeps criminis. Accessory before the deed," declared the foreman. 'This is preposterous, monstreus, I will appeal. I will have justice. "There is no appeal from the decision of the Court of Tip Top Camp," returned the judge gravely. "No other court has judsdiction here."

"Ha, ha, na! It is a good joke, A very good joke," said Mr. Barnaby, changing his tack. "You quite made me talak you were in carnest. I actually forgot that I myself have not been on trail." "I must correct you, Mr. Barnaby," said I covery that he is "afely at home in bed.

the judge severely. "You have been on trial. You and all your kind are perpetually on trial in the esteem of your rellow-citizens, and it is wholly due to their long sufferance and mercy that a verdict is not oftener brought in against you. Regarding your complicity in this coime, I will enlighten your mind, if you will permit me. The attorney who sets out in his profession to make a reputation for defending the guilty and assisting them to escape the just penalties of their crimes, has entered it to a partnership with crime. He virtually says to the would-be criminal, "Go and rob, murder, assassinate. Here am I, with all my legal skill and learning, my ability and talents, ready to protect you from the consequences of your deeds Furni h me my fee, if you have to take it from the pockets of your dead victims, and I will see that your are set free. No matter how bad your case, I will descover a loophole of escape. I will bad er honest witnesses, insult the court, confuse and prolex the jury, suborn false testim no, avail myself of all the intrinacies of the law, and bring myself into infamous celebrity while rescuing you from the sallows, that you may continue your career of slaughter and crime. Mr. Barnaby, these may be advanced methods of ligal procedure, but we want none of them in Tip Top Camp."

Manacled and cowed in spirit, Jonas Barnaby skullted along to the celabo se

Manacled and cowed in spirit, Jonas Barnaby skulked along to the (alabo s), in company with his whilom client, and un-der close guard. Jeer as he might at the absurdity of the sentence, he knew too well the awful swiftness and certainty of its execution in Tip Top Camp. The mild ness of spring was in the air, and the buds of the cottonwood were swelling Life-the life that he had profited by mea's takingwas very sweet, and he was about to sarrifice his own, all for a paltry fee from a red-handed murdered. He looked at Watkins in a sudden rage. By Jove! His derase had for once been on to est lines. The man was an idiot, grinning and laughing as he walked to the dungeon waich would cage him until he went to his doom. But that night as Barneby, total y collapsed in spirit, sat broading in the dark-ness with awful thoughts of the morrow, the door of his prison swang open, and a dark figure called his name. "Quick!" It said. "Don't arouse Wat-kins. Fly while there's time. Take the short cut over the divide, and make sare that you put twenty miles between yourself and the camp between new in i mir ing. If the boys catch you they'll make

mincemeat of you.' The lawyer needed no further bidding. Without stepping to ask the name of his deliverer he fied down the road and up the rugged mountain side. A score of men, in-cluding the judge and the entire jurz, the Chinese cook, Tom Watkins, ra ional on e more, and the doctor, all quaking with laughter, watched the black speck creeping up the steep trail, until it disappeared from view around a jutting ledge. "There's an end to his whole rascally business," chuckled Watkins. "He's got a scare that'll last him a lifetime.' "Don't you believe it, Tom," said the doctor earnestly. "A man of that stan p will fit spectacles to justice whenever he gets a chance."

The judge heaved a sigh of relief. Which of these predictions came true the good people of Tip Top Comp have never been able to determine. There have been rumors that Barnaby, following his natural bent of knavery, has been arrested for safe-breaking in various Eastern cities, but has always escaped conviction by means of his plausible tongue and elequent address. Reports have also reached the settlement that, under another name, he has achieved distinction and wealth in the courts of a distant me ropolis. These latter rumors have been indig antly scouted by the mountaineers, who wis ly orgue that a populous and progressive city would never tolerate in her courts methods which a little mining settlement like Tip Top found it so easy to exterminate.

-Flora Haines Loughead, in Overland
Monthly.

Preposed to Be Master.

Boston Home Journal. Perugini, it seems, proposed to be master, but as long as Lillian was paying the bills it would seem as though a back seat, or one alongside of her, should have been sufficient to content himself. No man likes to ride with a lady and see her drive; but if she cans the horses there is but one of two chings to do-either sit quietly down and enjoy himself, or get out and walk. Perugini will walk, but he did not get out -he was thrown. Perugini's pecudar attempts to be master remind me of the story of the man who crawled under the bed to escape his wife's wrath, and when ordered to come out declared in stentorian tores: "Madame, I will not come out from

under the bed; I will be master in my own house." Relief.

Lewiston Journal. When a man is hanging by his toes from a corner of a high building, and expects momentarily to drop, nothing so thor-oughly satisfies him as the sudden dis-